

REMARKS

Claims 1-20 remain in the application including independent claims 1, 8, 14 and 19.

The specification has been revised to overcome the examiner's objections. Claims 1, 7, 8, 14, and 19 have been amended to overcome the 35 U.S.C. 112, second paragraph, objections. The claims have been amended to clarify that the second track is mounted for movement relative to the first track for adjustment along a longitudinal axis.

The Examiner has rejected claims 1, 7, and 19 as being incomplete because necessary elements for moving the second track relative to the first track are not claimed. Adjustable track assemblies are well known in the art and second track can be supported for movement relative to the first track by *any* means known in the art. Applicant is not required to recite a specific structure for adjustment in the claims. Further, the method and structure for adjustment is irrelevant to the invention. The important feature is that a first track member is fixed and a second track member is movable relative to the first track member. One example of how this is accomplished is set forth in the specification at page 7, lines 3-9. No further amendments are necessary to the claims to clarify this relationship under 35 U.S.C. 112. Thus, Applicant believes that all 35 U.S.C. 112, second paragraph, rejections have been overcome.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Verma et al. (5,942,695) in view of Gagnon et al. (5,971,432). First, as explained in Applicant's previous response, it is improper to modify Verma as taught by Gagnon because the modification of Gagnon to Verma destroys the benefits of Verma. Gagnon teaches the use of a system that Verma seeks to avoid, thus it is improper to modify Verma as taught by Gagnon. The Examiner has not responded to this argument.

Second, even if Verma and Gagnon are properly combined, neither reference discloses the invention as set forth in claims 1-20 because, as explained in Applicant's previous response, neither reference teaches mounting sensors to the seat tracks themselves as claimed by Applicant. Further,

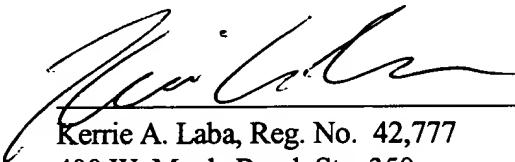
claim 19 includes the feature that the sensor be mounted directly to the first track assembly, i.e., the non-moving track assembly. Verma teaches mounting sensors to a bracket 16 that is mounted to the moving track member of the track assembly 26, not the fixed track member. Thus, the combination of Verma and Gagnon certainly does not disclose all of the features of claim 19. Similar features are claimed in claims 21-23.

The combination also does not disclose, suggest, or teach other claimed features. For example, claims 9 and 14 require the track assembly to be defined by a predetermined cross-sectional area with the track assembly having at least one track segment with a cross-sectional area that is less than the predetermined cross-sectional area. The drawings in both Verma and Gagnon indicate that the track assemblies are uniform and constant in cross-section along their length. The Examiner admits that Verma does not disclose this feature and tries to argue that this feature is disclosed in Gagnon, however, the explanation given does not address this specific feature (see Examiners Detailed Action of October 24, 2001, page 4, lines 10-15). The Examiner in the referenced explanation gives no mention of how Gagnon teaches the use of a track assembly having different cross-sectional areas along its length.

For the reasons set forth above, all claims should be allowed. An indication of such is requested. A check is enclosed herewith to cover the cost of three additional dependent claims. Applicant believes that no additional fees are necessary however, the Commissioner is authorized

to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,
CARLSON, GASKEY & OLDS



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CERTIFICATE OF MAIL

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, Washington D.C. 20231 on this 21st day of January, 2002.


Laura Combs